

**CLARKE COUNTY  
PLANNING COMMISSION  
MINUTES  
2010 October 1**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, October 1<sup>st</sup> of 2010.

Chair Ohrstrom called the meeting to order at 9:06 a.m.

**ATTENDANCE**

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Clay Brumback, A.R. Dunning, Jr., Tom McFillen, Beverly McKay, Cliff Nelson, Chip Steinmetz, Richard Thuss, and Bob Wade.

**ABSENT**

Barbara Batterton

**STAFF**

Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator, and Alison Teetor, Natural Resources Planner

**APPROVAL OF AGENDA**

The Commission voted unanimously to approve the agenda

**Yes:** Brumback, Caldwell, McKay, McFillen, Nelson (moved), Ohrstrom, Steinmetz (second), Thuss, and Wade

**No:** No one

**Absent:** Batterton and Dunning

**APPROVAL OF MINUTES**

The Commission voted unanimously to approve the briefing meeting minutes of 2010 August 31.

**Yes:** Brumback, Caldwell, McKay, McFillen, Nelson (moved), Ohrstrom, Steinmetz (second), Thuss, and Wade

**No:** No one

**Absent:** Batterton and Dunning

The Commission voted unanimously to approve the regular meeting minutes of 2010 September 3.

**Yes:** Brumback, Caldwell (moved), McKay, McFillen, Nelson, Ohrstrom, Steinmetz, Thuss, and Wade (second)

**No:** No one

**Absent:** Batterton and Dunning

**RESOLUTION OF APPRECIATION FOR BARBARA BATTERTON**

The Commission voted unanimously to approve the resolution.

**Yes:** Brumback, Caldwell, McKay (second), McFillen, Nelson, Ohrstrom, Steinmetz, Thuss, and Wade (moved)

**No:** No one

**Absent:** Batterton and Dunning

Commissioner Dunning entered the meeting.

## **ZONING MAP AMENDMENT (REZONING) – PUBLIC HEARING**

**E. Alexander Lee and Monica Villegas request an amendment of the County Zoning Map of 0.0868 acres so as to rezone from Neighborhood Commercial (CN) to Rural Residential (RR) on a portion of Tax Map Parcel 30A-((A))-33, located at 24 Tannery Lane, Greenway Magisterial District. RZ-10-01**

Mr. Johnston explained the request. He said a neighbor of the applicant (Ms. Squire) wishes to add 3,800 sq ft to her 3.400 existing parcel. He explained that Ms. Squire's property is zoned Rural Residential and the applicant's property is zoned Neighborhood Commercial. He further stated that in order to adjust the property line, the zoning line must also be moved.

The Chair asked the Commission for comments or questions before opening the public hearing. Commissioner Dunning asked if there were any negative impacts from the proposed changes. Mr. Johnston said that he did not believe there were any negative precedents as the rezoning involved a small land area, would not create a parcel large enough to subdivide, and there was a recently renovated structure on Ms. Squire's property.

The Chair asked if there were any comments from the public. No one from the public spoke. The Chair closed the public hearing.

The Commission voted unanimously to recommend approval to the Board of Supervisors of the requested Zoning Map Amendment.

**Yes:** Brumback, Caldwell (second), Dunning, McKay, McFillen, Nelson, Ohrstrom, Steinmetz (moved), Thuss, and Wade

**No:** No one

**Absent:** Batterton

## **TEXT AMENDMENT – CONTINUED PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the Zoning Ordinance:**

**Sections 3-A-1-a-1, 3-A-2-a-1, 3-A-3-a-1, Special Uses in the AOC, FOC, and Rural Residential Zoning Districts so as to delete 'Assisted Living Facilities',**

**Sections 3-A-1-a-2, 3-A-1-a-2, 3-A-1-a-2 Accessory Uses and Structures in the AOC, FOC, and Rural Residential Zoning Districts so as to allow a 'Temporary Family Health Care Structure',**

**Section 3-C-2, Supplementary Regulations for uses in Various Districts so as to establish regulations for a 'Temporary Family Health Care Structure' and to delete the reference to Assisted Living Facilities in the supplemental regulations for Home Occupations,**

**Sections 9-B-13, definition of the term 'Assisted Living Facility' so as to delete this term,**

**Section 9-B-60, definition of the term 'Single Family Dwelling' so as to include the term 'Assisted Living Facility' as defined in Virginia Code Section 15.2-2291 so that Assisted Living Facilities (for up to eight individuals with mental illness, mental retardation, or developmental disabilities or no more than eight aged, infirm or disabled persons, and with one or more resident counselors or other staff persons) to be considered residential occupancy by a single family and to not have conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption. TA-10-07**

Mr. Johnston reviewed the Commission discussion at its last meeting as to whether a permanent expansion of drainfield capacity should be required for the Temporary Family Health Care Structures. He said this question was referred to the Board of Septic and Well Appeals for discussion. The two members of this Board that are on the Planning Commission, (Dunning and McKay) noted that the state law did not define 'Temporary' as it applies to this use. They said that if a provision was established whereby a very short term installation of a Health Care structure would not be required to expand a drainfield while a longer term use, lasting several months/years, would be required to install an expansion would place an inappropriate burden on the entity deciding whether a use would be truly short term and on staff to monitor

such a time limit. Mr. Wade noted that a property owner could relabel an existing bedroom for some other use as a way to get around this issue.

The Chair asked the Commission for further comments or questions before opening the public hearing. Mr. Thuss reiterated his concern that requiring a permanent drainfield expansion for a temporary use was an undue burden.

The Chair asked if there were any comments from the public. No one from the public spoke. The Chair closed the public hearing.

The Commission voted to recommend approval to the Board of Supervisors of the Zoning Ordinance Text Amendment as proposed.

**Yes:** Brumback, Caldwell (moved), Dunning, McKay, McFillen (second), Nelson, Ohrstrom, Steinmetz, and Wade

**No:** Thuss

**Absent:** Batterton

### **TEXT AMENDMENT – PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the Subdivision Ordinance:**

**Section 4-G-7, so as to label this section as ‘Term of Validity of Preliminary Plats’ and replace the current text with language consistent with Virginia Code Section 15.2-2260-F&G and**

**Section 1-C-1, Recordation of Plats, so as to shift this section to a new section 4-K, Recordation of Plats, under Section 4, Procedure for Subdivision Approval. TA-10-10**

Mr. Johnston explained the request. He said this would bring the Subdivision Ordinance into conformance with state code and would more clearly organize these provisions.

The Chair asked the Commission for comments or questions before opening the public hearing. There were no comments or questions.

The Chair asked if there were any comments from the public. No one from the public spoke. The Chair closed the public hearing.

The Commission voted to recommend approval to the Board of Supervisors of the Subdivision Ordinance Text Amendment as proposed.

**Yes:** Brumback, Caldwell (second), Dunning (moved), McKay, McFillen, Nelson, Ohrstrom, Steinmetz, Thuss, and Wade

**No:** No one

**Absent:** Batterton

### **TEXT AMENDMENT – SET PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:**

**Section 4-I-2, Signs Prohibited, so as to prohibit signs that change displays with high frequency and that move, revolve, twirl, rotate, or flash;**

**Section 4-I-3, Signs Permitted, as to allow Electronic Display Free-standing and Wall Signs in the Highway Commercial Zoning District with time and light intensity limits;**

**Section 4-I-9, Sign Definitions, so as to establish definitions for ‘Animated Signs’, ‘Changeable Message Signs’, ‘Electronic Display Signs’, and ‘Time & Temperature Signs’. TA-10-09**

Mr. Johnston explained the request. He said a Planning Commission committee had not been able to meet to discuss this amendment. The Chair appointed Commissioners Brumback, Dunning, McFillen, and McKay as an ad hoc committee to review the proposed text and asked them to report back at the next Commission meeting.

The Commission voted unanimously to postpone consideration of this amendment until its November 5<sup>th</sup> meeting.

**Yes:** Brumback, Caldwell (moved), Dunning, McKay, McFillen, Nelson, Ohrstrom, Steinmetz (second), Thuss, and Wade

**No:** No one

**Absent:** Batterton

### **Board/Committee Reports**

**Board of Supervisors** Commissioner Dunning commented favorably on the progress being made on the construction of the new high school.

**Sanitary Authority** Commissioner Dunning reported on the efforts of the Authority to find a back-up water supply. He also expressed his view that there should be County-wide quality testing. Ms. Teetor said she would meet with Mr. Dunning to work out the parameters of such a study.

**Board of Septic & Well Appeals** Commissioner Dunning said he had nothing to report.

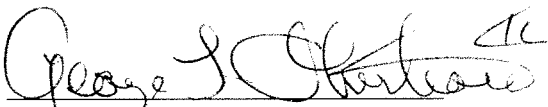
**Board of Zoning Appeals** Commissioner Caldwell said the BZA met on September 7 and approved a relatively minor request in Millwood and that another meeting was scheduled for October 12 for another relatively minor request.

**Historic Preservation Commission** Commissioner Nelson said that bids were expected in the near future for the rehabilitation of the historic structures at Greenway Court. He said the meeting of the Commission had been rescheduled to October 5 and would be held at Clermont.

**Conservation Easement Authority** The Chair said the Authority was working on several easements.

**Enforcement Officer** Ms. Olin's progress reports for September were reviewed

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 10:47 a.m. until the next regular scheduled meeting on 2010 November 5.



George L. Ohrstrom, II, Chair



Charles Johnston, Clerk

Minutes prepared by C. Johnston